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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,649	04/04/2001	Babak Saeidi	156614-0003	3489

23911 7590 03/11/2005

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER

LIM, KRISNA

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/826,649	Applicant(s) SAEIDI, BABAK	
	Examiner Krisna Lim	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the communication filed 10/25/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) 19-34 and 53-65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-14, 35-43, 45-48, 66-72 and 74 is/are rejected.
- 7) ☒ Claim(s) 10, 15-18, 44, 49-52, 73, 75 and 76 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-76 are pending for examination, and claims 19-34 and 53-65 are withdrawn from consideration.
2. The title of the invention is neither descriptive nor precise. A new title is required which should include, using twenty words or fewer, claimed features that differentiate the invention from the Prior Art. The title should reflect the gist of or the improvement of the present invention.
3. The disclosure is objected to because of the following informalities:
 - (a) Page 58, line 3 (claim 35, line 3), "instuction" is apparently a typographical error. Appropriate correction is required.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
5. Claims 1-9, 11-14, 35-43, 45-48, 66-72 and 74 are rejected under 35 U.S.C. 102(a) as being anticipated by Gilmour et al. [U.S. Patent No. 6,115,709].
6. Gilmour et al. anticipate (e.g., see Figs. 1-23) the invention substantially as claimed. Taking claim 1 as an exemplary claim, the reference anticipates a method for monitoring electronic communications (electronic document), comprising:

a) receiving a message (email or electronic document) containing one or more words (terms of electronic document) provided by a user during an electronic communication (e.g., see 162 of Fig. 8, col. 4, lines 63-64);

b) accessing at least a portion of said message (header of the email, extract terms and associated information, 164 of Fig. 8, col. 4 (line 64), col. 9 (line 7);

c) generating user profile data (construct user profile using terms of electronic document 150 of Fig. 7, col. 4 (line 58-67);

d) generating a result indicative of the likelihood that the message related to a predetermined subject (predetermined criteria, col. 9 (line 14); and

e) updating the user profile data with said result (modifying user profile 348, 352 of Fig. 17D, col. 9 (lines 1-19)).

7. As to claim 2, Gilmour et al. anticipate the message is provided by the user to a software application (the interface application 34 of Fig. 1), and said portion of said message (header) is accessed using a software module (browser of Fig. 16, user interface 80 of Fig. 5, Knowledge access server 26 of Fig. 3).

8. As to claim 3, Gilmour et al. anticipate sending said updated user profile to the software application (display user profile information 328 of Fig. 17C).

9. As to claim 4, Gilmour et al. anticipate receiving the message containing one or more words provided by the user comprises receiving a text message (email document, message body 401 of Fig. 18A) which has been entered into a computer by the user.

10. As to claim 5, Gilmour et al. anticipate the message has been posted to an electronic bulletin board capable of being accessed over a network by one or more users (public portion of user profile, col. 10 (line 9)).

11. As to claim 6, Gilmour et al. anticipate the software application is one of the following: an email application (col. 6, line 60), an electronic bulletin board application

(public profile process 312 of Fig. 17B), a network browser application (browser 16 of Fig. 1) (col. 6 (lines 50-60), col. 7 (lines 51-52)).

12. As to claims 7-8, Gilmour et al. anticipate transmitting a segment determined by an add-on module having a predetermined length (401, 408, 434 of Fig. 18A) of message to the software module over a network.

13. As to claim 9, Gilmour et al. anticipate sending information relating to the user's identity (442 of Fig. 18D, col. 9 (lines 47-50) and sending a user level (confident level, cols. 9-10).

14. As to claim 11, Gilmour et al. anticipate the software application to alter (modifying user profile 348, 352 of Fig. 17D, col. 9, lines 1-19) the user's ability to continue to provide messages as a function of the updated user profile data.

15. As to claim 12, the feature of A/D conversion is inherent in the electronic communication system since this feature is well known in the art.

16. As to claims 13-14, Gilmour et al. anticipate the feature of remote communication between the software application and the user over the network (see remote communication of Fig. 1).

17. Claims 35-42, 45-46, 66-72 and 74 are similar in scope as of claims 1-9 and 11-14, and therefore claims 35-42, 45-46, 66-72 and 74 are rejected for the same reasons set forth above for claims 1-9 and 11-14.

18. Claims 10, 15-18, 44, 49-52, 73 and 75-76 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

March 6, 2005



KRISNA LIM
PRIMARY EXAMINER